

COMMONWEALTH OF MASSACHUSETTS – PLYMOUTH DISTRICT
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**APPEALS COURT UPHOLDS SECOND DEGREE MURDER CONVICTION AGAINST
BROCKTON MAN**

BROCKTON – Plymouth County District Attorney Timothy J. Cruz announced today that the Massachusetts Appeals Court has upheld the second degree murder conviction of a Brockton man.

On March 20, 2013, a Plymouth County jury convicted Josner Dorisca (DOB: 07/15/82) of Brockton, of murder in the second degree for the June 8, 2008 homicide of Bensney Toussaint.

At trial, the Commonwealth presented evidence that on the evening of June 8, 2008 at approximately 11 p.m., Dorisca and Toussaint attended a graduation party in Brockton and got into an argument that became physical. As Dorisca and Toussaint were fighting on the ground, Dorisca shot Toussaint once. Dorisca then shot Toussaint at least four more times in the chest and upper torso area.

After the shooting, Dorisca fled Massachusetts. He was a fugitive for more than 2 ½ years before he was arrested in Florida and brought back to stand trial.

The Appeals court held that the trial judge should have required more up-to-date information before determining that the pregnant medical examiner, who was in labor on the first day of trial, was unavailable to testify in the week-long trial. The error was harmless.

“We are pleased with the Appeals Court decision today,” DA Cruz said. “I am hopeful that this ruling will reaffirm the feeling of justice for family members of Mr. Toussaint.”

The case was investigated by State Police assigned to the District Attorney’s Office and Brockton Police and was prosecuted by Assistant District Attorneys Richard Linehan and Marnie Peck. Assistant District Attorney Jessica Heaton handled the case on appeal for the Commonwealth.

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